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STATE PLS PASS NUCLEAR REGULATORY COMMISSION

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SUBJECT: FRENCH ADOPT NUCLEAR WASTE LAW -- DECISIVE STEP TOWARDS
GEOLOGICAL DISPOSAL

REF: (A) 05 PARIS 5297 (B) 05 PARIS 5300 (C) 05 PARIS 2727

1. Summary: In June, on time and non-confrontationally, the French Parliament adopted a key law to regulate nuclear materials and waste well into the future. The legislation confirms reversible, deep geological disposal as the reference solution for high-level, long-lived waste (HLLW), with 2015 as the target date for the licensing of the repository (site still to be selected). The repository is to open for waste by 2025. The other two options provided in the predecessor 1991 'Bataille Law' for the disposal of waste: partition and transmutation of radioactive elements and long-term surface storage, will continue to be explored. The new law details procedures for funding the disposition of nuclear waste and decommissioning of facilities. End summary.

On target

2. In 1991, France laid out a 15-year research program, contained in what is known as the 'Bataille Law' (ref A and C) to explore three options for HLLW disposal: 1) partition and transmutation of high-level nuclear waste into low-level substances; 2) deep geological storage -research undertaken in a clay formation at the underground laboratory in Bure, Meuse/Haute Marne (ref B); and 3) waste packaging/long-term surface or subsurface storage. Parliament was required to decide by end 2006 on a precise course of action for nuclear waste. To avoid the law becoming 'hijacked' by 2007 presidential election politics, stakeholders and politicians across the spectrum agreed to keep to the 2006 deadline. Accordingly, the waste bill was presented to the Council of Ministers in March 2006, discussed in Parliament in April 2006, and adopted on June 15. Promulgation into law occurred on June 28.

3. The law imposes on the new Nuclear Safety Authority (ASN) the requirement to prepare a "National Plan for the Management of Radioactive Materials and Wastes," to encompass all actions, on-going research, solutions implemented, and an assessment of future needs. The first plan will be due at the end of 2006, and will be updated every three years.

Deep geological disposal

4. The law formally declares deep geological disposal as the reference solution for HLLW and sets the following target dates: licensing of the new underground storage facility by 2015 and opening of the repository by 2025. The law also specifies the procedure for the selection and construction of the future repository, to include consultation with local groups and authorities ("public inquiry") and review of the proposal by the Nuclear Safety Authority (ASN), followed by another parliamentary debate, notably to define reversibility criteria. Storage reversibility is contained in the law for a period of at least one hundred years. (Note: Some parliamentarians regretted the specification of the length since, beyond this period, reversibility is no longer mandatory. End note.) Finally, the new legislation indicates that the selected site must be located in a geological layer "which has already been tested via an underground lab" (a requirement that essentially limits the location to the Meuse/Haute Marne sequence of thick clay (argillite) sediments).

5. The repository is estimated to cost roughly 15 billion Euros (broken down into 40 percent construction, 40 percent operation over a 100 year period, and 20 percent taxes and insurance). Four billion Euros have reportedly already been earmarked by waste producers for the repository. The law stipulates that this money cannot be used for other purposes.

Partition/transmutation

6. To reduce the quantity and toxicity of waste, the law re-endorses France's current spent fuel reprocessing strategy. Studies on separation and transmutation are also to continue. By 2012, the government is required to prepare an evaluation of the prospects for disposal of minor actinides in HLLW in GEN IV

reactors. (France hopes to build a prototype GEN IV plant by 2020.)

Centennial interim storage

17. Studies on surface or sub-surface storage to give the current system for managing waste more flexibility will continue with the goal of creating "by 2015 at the latest" new interim storage installations for a period of 100 to 300 years, instead of 50 to 100 years at present.

Financing research, waste disposal
and dismantling: stricter monitoring

18. The new legislation provides for the creation of a national committee to evaluate costs related to the dismantlement of nuclear facilities and management of radioactive materials. Its mission, under parliamentary supervision, is also to ensure that nuclear operators set aside sufficient funds to cover expenditures related to the end of the nuclear fuel cycle. However, the parliamentarians decided to leave funds for waste management and decommissioning with the producers rather than in a separate, external fund (as advocated by Socialist Party members).

Public Acceptance

19. The law further aims at reinforcing socio-economic measures in areas where nuclear waste is stored. It seeks to increase involvement of the nuclear operators in local industrial projects. It provides official recognition to the "public interest group for regional planning and local development" already established in the Meuse/Haute Marne area (where the Bure underground research lab is located) and reinforces the status of existing mechanisms dedicated to informing local populations about nuclear waste.

110. The law confirms the ban on accepting foreign waste for storage in France. Only 'temporary' storage of foreign nuclear waste is authorized for waste treatment purposes.

11. Comment: The new law succeeds in clarifying France's vision for nuclear waste, establishing a substantial R&D program for the future, as well as a calendar for the establishment of a geologic repository. Further clarification will be needed regarding the respective responsibilities of nuclear waste producers and managers, principally the National Agency for Waste Management (ANDRA). The new law, though, did not clarify precisely the most difficult issue, identification of the actual site for deep geological storage. Much as in the U.S., obtaining public acceptance of such a site will present an important challenge. End comment.

STAPLETON